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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/777,554	02/06/2001	Kevin P. Cusack	BBI-6077CP	8200	
959	7590 08/22/2003				
LAHIVE & COCKFIELD			EXAMINER		
28 STATE S BOSTON, M			GERSTL, ROBERT		
			ART UNIT	PAPER NUMBER	
			1626		
			DATE MAILED: 08/22/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
Advisory Action	09/777,554	CUSACK ET AL.					
Advisory Action	Examiner	Art Unit					
	Robert Gerstl	1626					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
THE REPLY FILED 07 July 2003 FAILS TO PLACE THIS Therefore, further action by the applicant is required to averinal rejection under 37 CFR 1.113 may only be either: (1) condition for allowance; (2) a timely filed Notice of Appeal Examination (RCE) in compliance with 37 CFR 1.114.	oid abandonment of this applica a timely filed amendment which	ation. A proper repl n places the applica	y to a ation in				
PERIOD FOR RE	PLY [check either a) or b)]						
a) The period for reply expiresmonths from the mailing							
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire Is ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The fee have been filed is the date for purposes of determining the period of the under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the context of	ater than SIX MONTHS from the mailing FILED WITHIN TWO MONTHS OF THe date on which the petition under 37 CFI f extension and the corresponding amount the shortened statutory period for reply the later than three months after the mail	g date of the final rejecting FINAL REJECTION.  R 1.136(a) and the apprunt of the fee. The appropriation or the final set in	on. See MPEP opriate extension ropriate extension Office action; or				
1. A Notice of Appeal was filed on <u>07 July 2003</u> . Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.							
<ol><li>The proposed amendment(s) will not be entered be</li></ol>	ecause:						
(a) They raise new issues that would require further	er consideration and/or search (s	see NOTE below);					
(b)  they raise the issue of new matter (see Note b	elow);						
(c) they are not deemed to place the application ir issues for appeal; and/or	better form for appeal by mate	rially reducing or sir	nplifying the				
(d)  they present additional claims without canceling	ng a corresponding number of fi	nally rejected claim	S.				
NOTE:							
3. Applicant's reply has overcome the following rejection	ion(s):						
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	be allowable if submitted in a se	parate, timely filed	amendment				
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for application in condition for allowance because: See		dered but does NO	T place the				
<ol> <li>The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection.</li> </ol>	ause it is not directed SOLELY to	o issues which were	e newly				
<ol> <li>For purposes of Appeal, the proposed amendment explanation of how the new or amended claims wo</li> </ol>			and an				
The status of the claim(s) is (or will be) as follows:							
Claim(s) allowed: 59 and 60.							
Claim(s) objected to:							
Claim(s) rejected: <u>58</u> .							
Claim(s) withdrawn from consideration:							
8. The proposed drawing correction filed on is a	a)⊡ approved or b)⊡ disappı	roved by the Exami	ger/				
9. Note the attached Information Disclosure Statemen	t(s)( PTO-1449) Paper No(s)	i o //	′/				
  0 Other:	, , ., ., <del>.</del>	Robert Gerett Primary Examiner Art Unit: 1626					

Continuation of 5. does NOT place the application in condition for allowance because: the generic concept and the adjacent compounds render the claimed compounds obvious.